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Senate Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

SENATE BILL 1344

AN ACT

AMENDING SECTIONS 28-2351, 28-2403 AND 28-2405, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2419; AMENDING SECTIONS 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; RELATING TO SPECIAL LICENSE PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet.

20 C. Notwithstanding any other law, the department shall not contract
21 with a nongovernmental entity to purchase or secure reflective material for
22 the plates issued by the department unless the department has made a
23 reasonable effort to secure qualified bids or proposals from as many
24 individual responsible respondents as possible.

25 D. The license plate commission established by section 28-2405 shall
26 determine the color and design of the license plate. All other plates issued
27 by the department, except the plates issued pursuant to sections 28-2412,
28 28-2413, 28-2414, 28-2416, ~~28-2417, 28-2418,~~ THROUGH 28-2419, 28-2452,
29 28-2453, 28-2454 and 28-2455 and article 14 of this chapter, shall be the
30 same color as and similar in design to the license plate as determined by the
31 commission.

32 E. A passenger motor vehicle rented without a driver shall receive the
33 same type of license plate as issued for a private passenger motor vehicle.

34 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

35 28-2403. Special plates; transfers; violation; classification

36 A. Except as otherwise provided in this article, the department shall
37 issue or renew special plates in lieu of the regular license plates pursuant
38 to the following conditions and procedures and only if the requirements
39 prescribed by this article for the requested special plates are met:

40 1. Except as provided in section 28-2416, a person who is the
41 registered owner of a vehicle registered with the department or who applies
42 for an original or renewal registration of a vehicle may submit to the
43 department a completed application form as prescribed by the department with
44 the fee prescribed by section 28-2402 for special plates in addition to the
45 registration fee prescribed by section 28-2003.

1 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
2 28-2414, 28-2416, ~~28-2417, 28-2418,~~ THROUGH 28-2419, 28-2452, 28-2453,
3 28-2454 and 28-2455 and article 14 of this chapter, the special plates shall
4 be the same color as and similar to the design of the regular license plates
5 that is determined by the license plate commission pursuant to section
6 28-2351.

7 3. Except as provided in section 28-2416, the department shall issue
8 special plates only to the owner or lessee of a vehicle that is currently
9 registered, including any vehicle that has a declared gross weight, as
10 defined in section 28-5431, of twenty-six thousand pounds or less.

11 4. Except as provided in section 28-2416, the department shall charge
12 the fee prescribed by section 28-2402 for each annual renewal of special
13 plates in addition to the registration fee prescribed by section 28-2003.

14 B. Except as provided in section 28-2416, on notification to the
15 department and on payment of the transfer fee prescribed by section 28-2402,
16 a person who is issued special plates may transfer the special plates to
17 another vehicle the person owns or leases. Persons who are issued special
18 plates for hearing impaired persons pursuant to section 28-2408 and
19 international symbol of access special plates pursuant to section 28-2409 are
20 exempt from the transfer fee. If a person who is issued special plates
21 sells, trades or otherwise releases ownership of the vehicle on which the
22 plates have been displayed, the person shall immediately report the transfer
23 of the plates to the department or the person shall surrender the plates to
24 the department as prescribed by the director. It is unlawful for a person to
25 whom the plates have been issued to knowingly permit them to be displayed on
26 a vehicle except the vehicle authorized by the department.

27 C. The special plates shall be affixed to the vehicle for which
28 registration is sought in lieu of the regular license plates.

29 D. A person is guilty of a class 3 misdemeanor who:

30 1. Violates subsection B of this section.

31 2. Fraudulently gives false or fictitious information in the
32 application for or renewal of special plates or placards issued pursuant to
33 this article.

34 3. Conceals a material fact or otherwise commits fraud in the
35 application for or renewal of special plates or placards issued pursuant to
36 this article.

37 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:
38 28-2405. License plate commission

39 A. A license plate commission is established. The commission is
40 composed of the following members:

41 1. Two public members who are appointed by the director of the
42 department of transportation.

43 2. A person who is appointed by the governor from the governor's
44 office of high way safety and who serves at the pleasure of the governor.

1 3. The director of the department of public safety or the director's
2 designee.

3 4. The director of the department of transportation or the director's
4 designee.

5 5. The director of the office of tourism or the director's designee.

6 6. The director of the state department of corrections or the
7 director's designee.

8 B. The director of the department of transportation or the director's
9 designee shall serve as chairman of the commission. The chairman shall
10 preside at commission meetings and coordinate the activities of the
11 commission and staff implementation of commission actions.

12 C. All official actions of the commission shall be decided by a
13 majority vote of commission members.

14 D. The commission shall determine the following:

15 1. The color and design of license plates.

16 2. The color of special plates to be the same as and the design of
17 special plates to be similar to the license plates, except for special plates
18 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416, ~~28-2417,~~
19 ~~28-2418,~~ THROUGH 28-2419, 28-2452, 28-2453, 28-2454 and 28-2455 and article
20 14 of this chapter.

21 3. Whether to authorize special organization plates pursuant to
22 section 28-2404.

23 4. The indicia for special organization plates issued pursuant to
24 section 28-2404.

25 E. The department shall provide the commission with staff and
26 technical assistance as necessary to perform its functions.

27 F. Commission members are not eligible to receive compensation, but
28 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
29 this section are eligible for reimbursement of expenses pursuant to title 38,
30 chapter 4, article 2.

31 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
32 amended by adding section 28-2419, to read:

33 28-2419. Transplantation awareness special plates; fund

34 A. IF, BY JUNE 30, 2004, A PRIVATE COALITION THAT IS QUALIFIED UNDER
35 SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL
36 INCOME TAX PURPOSES AND THAT HAS A MISSION OF PROMOTING TRANSPLANTATION
37 AWARENESS PAYS THE DEPARTMENT OF TRANSPORTATION THIRTY-TWO THOUSAND DOLLARS
38 FOR THE IMPLEMENTATION OF THIS SECTION THE DEPARTMENT SHALL ISSUE
39 TRANSPLANTATION AWARENESS SPECIAL PLATES. THE COLOR AND DESIGN OF THE
40 TRANSPLANTATION AWARENESS SPECIAL PLATES SHALL BE DIFFERENT FROM THE COLOR
41 AND DESIGN OF REGULAR LICENSE PLATES DETERMINED BY THE LICENSE PLATE
42 COMMISSION PURSUANT TO SECTION 28-2351.

43 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR
44 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
45 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

1 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
2 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
3 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS
4 SECTION IN THE TRANSPLANTATION AWARENESS FUND ESTABLISHED BY THIS SECTION.

5 D. THE TRANSPLANTATION AWARENESS FUND IS ESTABLISHED CONSISTING OF
6 MONIES RECEIVED PURSUANT TO THIS SECTION. THE DIRECTOR SHALL ADMINISTER THE
7 FUND.

8 E. THE DIRECTOR SHALL SELECT A PRIVATE COALITION THAT IS QUALIFIED
9 UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE FOR
10 FEDERAL INCOME TAX PURPOSES AND THAT HAS A MISSION OF PROMOTING
11 TRANSPLANTATION AWARENESS AND ALLOCATE THE MONIES IN THE FUND TO THE
12 COALITION ON AN ANNUAL BASIS.

13 F. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
14 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED
15 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

16 G. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
17 RELATING TO LAPSING OF APPROPRIATIONS.

18 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:

19 28-6501. Definition of highway user revenues

20 In this article, unless the context otherwise requires or except as
21 otherwise provided by statute, "highway user revenues" means all monies
22 received in this state from licenses, taxes, penalties, interest and fees
23 authorized by the following:

24 1. Chapters 2, 7, 8 and 15 of this title, except for:

25 (a) The special plate administration fees prescribed in sections
26 28-2404, 28-2412 through ~~28-2418~~ 28-2419 and 28-2514.

27 (b) The donations prescribed in sections 28-2404, 28-2412 through
28 28-2415, 28-2417, 28-2418, 28-2453, 28-2454 and 28-2455.

29 2. Chapters 10 and 11 of this title.

30 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
31 in sections 28-5926 and 28-5927.

32 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:

33 28-6991. State highway fund; sources

34 A state highway fund is established that consists of:

35 1. Monies distributed from the Arizona highway user revenue fund
36 pursuant to chapter 18 of this title.

37 2. Monies appropriated by the legislature.

38 3. Monies received from donations for the construction, improvement or
39 maintenance of state highways or bridges. These monies shall be credited to
40 a special account and shall be spent only for the purpose indicated by the
41 donor.

42 4. Monies received from counties under cooperative agreements,
43 including proceeds from bond issues. The state treasurer shall deposit these
44 monies to the credit of the fund in a special account on delivery to the
45 treasurer of a concise written agreement between the department and the

1 county stating the purposes for which the monies are surrendered by the
2 county, and these monies shall be spent only as stated in the agreement.

3 5. Monies received from the United States under an act of Congress to
4 provide aid for the construction of rural post roads, but monies received on
5 projects for which the monies necessary to be provided by this state are
6 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
7 shall be allotted by the department and deposited by the state treasurer in
8 the special account within the fund established for each project. On
9 completion of the project, on the satisfaction and discharge in full of all
10 obligations of any kind created and on request of the department, the
11 treasurer shall transfer the unexpended balance in the special account for
12 the project into the state highway fund, and the unexpended balance and any
13 further federal aid thereafter received on account of the project may be
14 spent under the general provisions of this title.

15 6. Monies in the custody of an officer or agent of this state from any
16 source that is to be used for the construction, improvement or maintenance of
17 state highways or bridges.

18 7. Monies deposited in the state general fund and arising from the
19 disposal of state personal property belonging to the department.

20 8. Receipts from the sale or disposal of any or all other property
21 held by the department and purchased with state highway monies.

22 9. Monies generated pursuant to section 28-410.

23 10. Monies distributed pursuant to section 28-5808, subsection B,
24 paragraph 2, subdivision (d).

25 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

26 12. Except as provided in section 28-5101, the following monies:

27 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
28 subsection B, paragraph 2, subdivision (e).

29 (b) One dollar of each registration fee and one dollar of each title
30 fee collected pursuant to section 28-2003.

31 (c) Two dollars of each late registration penalty collected by the
32 director pursuant to section 28-2162.

33 (d) The air quality compliance fee collected pursuant to section
34 49-542.

35 (e) The special plate administration fees collected pursuant to
36 sections 28-2404, 28-2412 through ~~28-2418~~ 28-2419 and 28-2514.

37 ~~(f) The windshield sticker fee collected pursuant to section 28-2355.~~

38 ~~(g)~~ (f) Monies collected pursuant to sections 28-372, 28-2155 and
39 28-2156 if the director is the registering officer.

40 13. Monies deposited pursuant to chapter 5, article 5 of this title.

41 14. Donations received pursuant to section 28-2269.

42 15. Dealer and registration monies collected pursuant to section
43 28-4304.

44 16. Abandoned vehicle administration monies deposited pursuant to
45 section 28-4804.

1 17. Monies deposited pursuant to section 28-710, subsection D,
2 paragraph 2.

3 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
4 28-6993. State highway fund; authorized uses

5 A. Except as provided in subsection B of this section and section
6 28-6538, the state highway fund shall be used for any of the following
7 purposes in strict conformity with and subject to the budget as provided by
8 this section and by sections 28-6997 through 28-7003:

9 1. To pay salaries, wages, necessary travel expenses and other
10 expenses of officers and employees of the department and the incidental
11 office expenses, including telegraph, telephone, postal and express charges
12 and printing, stationery and advertising expenses.

13 2. To pay for both:

14 (a) Equipment, supplies, machines, tools, department offices and
15 laboratories established by the department.

16 (b) The construction and repair of buildings or yards of the
17 department.

18 3. To pay the cost of both:

19 (a) Engineering, construction, improvement and maintenance of state
20 highways and parts of highways forming state routes.

21 (b) Highways under cooperative agreements with the United States that
22 are entered into pursuant to this chapter and an act of Congress providing
23 for the construction of rural post roads.

24 4. To pay land damages incurred by reason of establishing, opening,
25 altering, relocating, widening or abandoning portions of a state route or
26 state highway.

27 5. To reimburse the department revolving account.

28 6. To pay premiums on authorized indemnity bonds and on compensation
29 insurance under the workers' compensation act.

30 7. To defray lawful expenses and costs required to administer and
31 carry out the intent, purposes and provisions of this title, including
32 repayment of obligations entered into pursuant to this title, payment of
33 interest on obligations entered into pursuant to this title, repayment of
34 loans and other financial assistance, including repayment of advances and
35 interest on advances made to the department pursuant to section 28-7677, and
36 payment of all other obligations and expenses of the board and department
37 pursuant to chapter 21 of this title.

38 8. To pay lawful bills and charges incurred by the state engineer.

39 9. To acquire, construct or improve entry roads to state parks or
40 roads within state parks.

41 10. To acquire, construct or improve entry roads to state prisons.

42 11. To pay the cost of relocating a utility facility pursuant to
43 section 28-7156.

44 12. For the purposes provided in subsections C, D and E of this section
45 and sections 28-1143, 28-2353 and 28-3003.

1 B. For each fiscal year, the department of transportation shall
2 allocate and transfer monies in the state highway fund to the department of
3 public safety for funding a portion of highway patrol costs in eight
4 installments in each of the first eight months of a fiscal year that do not
5 exceed ten million dollars.

6 C. Subject to legislative appropriation, the department may use the
7 monies in the state highway fund as prescribed in section 28-6991, paragraph
8 12 to carry out the duties imposed by this title for registration or titling
9 of vehicles, to operate joint title, registration and driver licensing
10 offices, to cover the administrative costs of issuing the air quality
11 compliance sticker, modifying the year validating tab and issuing the
12 windshield sticker and to cover expenses and costs in issuing special plates
13 pursuant to sections 28-2404, 28-2412 through ~~28-2418~~ 28-2419 and 28-2514.

14 D. The department shall use monies deposited in the state highway fund
15 pursuant to chapter 5, article 5 of this title only as prescribed by that
16 article.

17 E. Monies deposited in the state highway fund pursuant to section
18 28-2269 shall be used only as prescribed by that section.

19 F. Monies deposited in the state highway fund pursuant to section
20 28-710, subsection D, paragraph 2 shall only be used for state highway work
21 zone traffic control devices.

22 G. The department may exchange monies distributed to the state highway
23 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
24 government surface transportation program federal monies suballocated to
25 councils of government and metropolitan planning organizations if the local
26 government scheduled to receive the federal monies concurs. An exchange of
27 state highway fund monies pursuant to this subsection shall be in an amount
28 that is at least equal to ninety per cent of the federal obligation authority
29 that exists in the project for which the exchange is proposed.